



DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: April 28, 2010

ZCPA 2009-0007 / ZMOD 2009-0004 Belmont Glen Village

DECISION DEADLINE: May 31, 2010

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Michael Elabarger

EXECUTIVE SUMMARY

Bayshire, LC of McLean, Virginia, has submitted an application to amend the concept plan and proffers approved with ZMAP 2004-0006, Belmont Glen-Rouse Property, in order to change the approved R-8 Traditional design option to the standard R-8 design option in the PD-H3 (Planned Development Housing) zoning district. The property is approved to be developed with a maximum of 196 single family detached dwelling units at a density of 1.37 dwelling units per acre.

The applicant is also requesting three (3) modifications of Zoning Ordinance (ZO) sections:

ZO §3-509(C) Minimum Buffer ZO §4-109(C) Site Planning-External Relationships	To reduce or eliminate the required fifty (50) foot permanent common open space buffer on ten variably-sized lots.
ZO §3-506(C)(1)(a) and (b) Front & Side Yard Lot Requirements	To reduce the required 25' minimum front yard and 8' minimum side yards to varying degrees on all lots.
ZO §7-103(A)(1) Affordable Dwelling Units – Detached and Attached Units ZO §7-108-Modifications	To permit the cash in lieu buyout of required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3).

The property is approximately 143 acres in size and is located on the west side of Route 659 (Belmont Ridge Road), the east side of Goose Creek, north of the Beaverdam Reservoir and south of the Dulles Greenway at 21361 Belmont Ridge Road, Ashburn. The property is located partially within the FOD (Floodplain Overlay District), is subject to the Revised 1993 Zoning Ordinance, and governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)), which recommends residential development at densities up to 4.0 dwelling units per acre.

RECOMMENDATION

Staff recommends approval, subject to the Proffer Statement dated March 12, 2010 and based on the Findings in the April 28, 2010 Planning Commission Public Hearing staff report.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2009-0007 / ZMOD 2009-0004, Belmont Glen Village, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated March 12, 2010 and the Findings contained in the April 28, 2010 Planning Commission Public Hearing staff report.

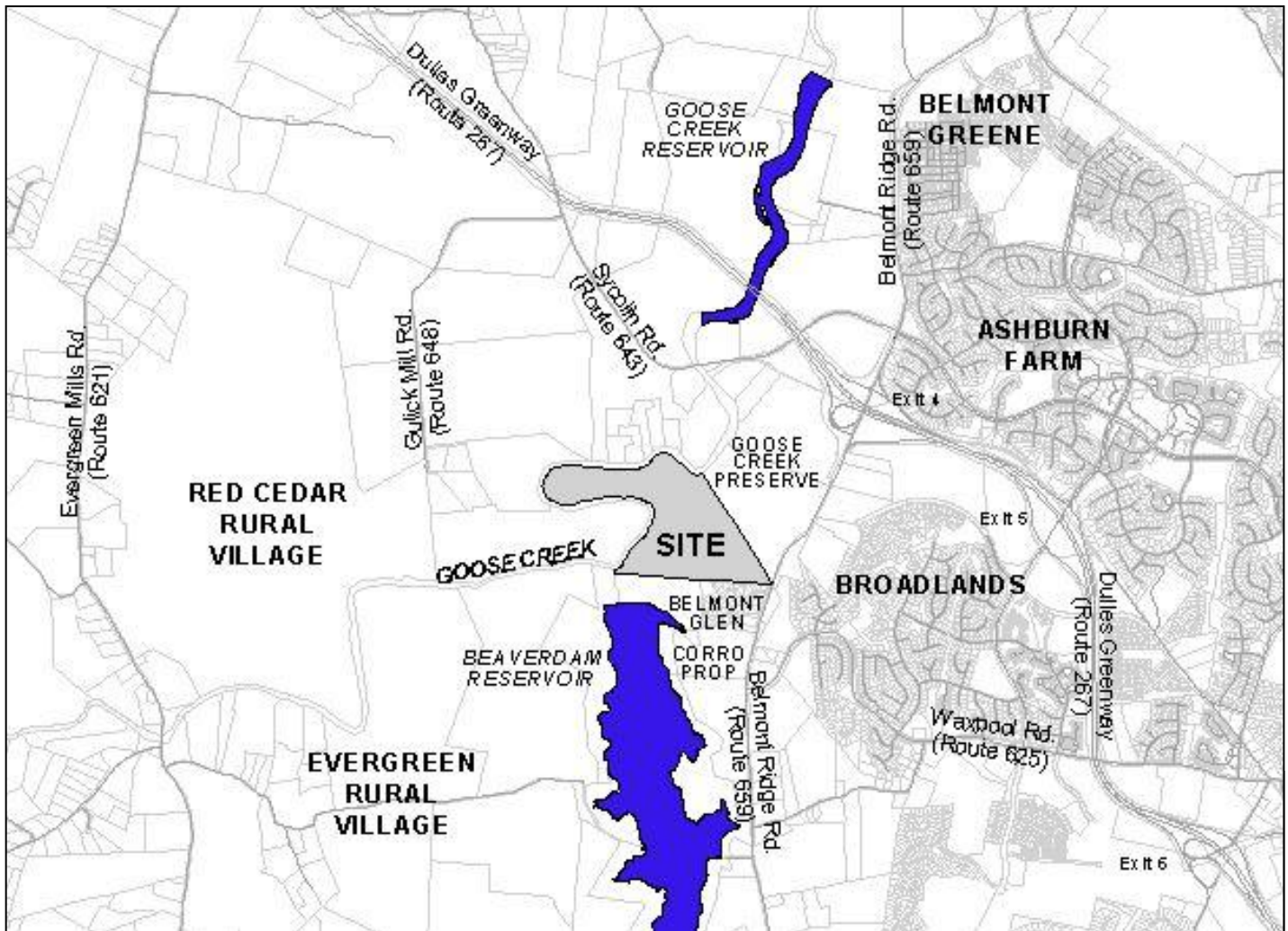
Or,

2. I move that the Planning Commission forward ZCPA 2009-0007 / ZMOD 2009-0004, Belmont Glen Village, to a work session for further discussion.

Or,

3. I move that the Planning Commission forward ZCPA 2009-0007 / ZMOD 2009-0004, Belmont Glen Village, to the Board of Supervisors with a recommendation of denial, based on the following Findings:

VICINITY MAP



Directions from Leesburg:

Proceed east on Harry Byrd Highway (Route 7) to the intersection with Belmont Ridge Road (Route 659), and proceed south on Route 659 approximately 4 miles. Site is on the west side, south of the planned Goose Creek Preserve community and north/west of the Belmont Glen community.

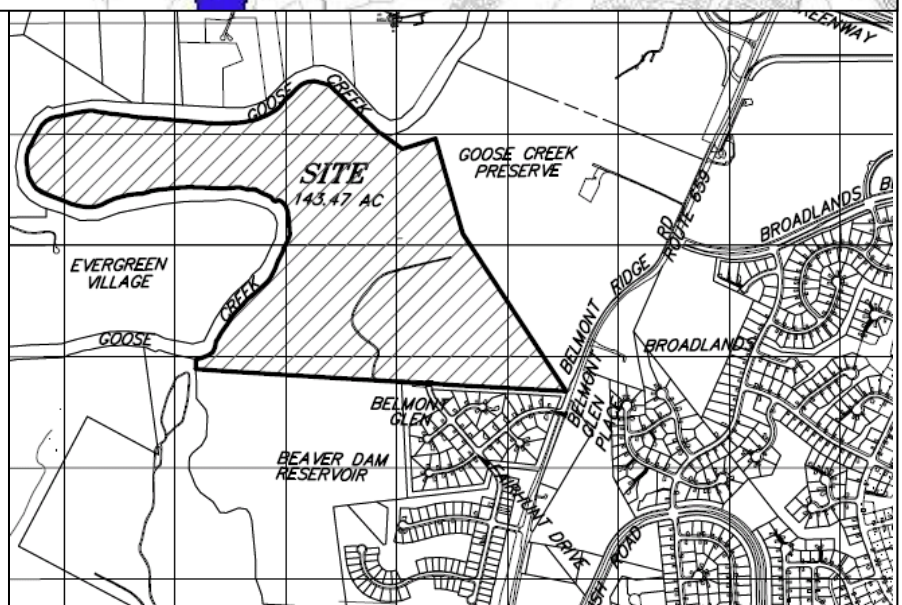


TABLE OF CONTENTS

I.	Application Information.....	5
II.	Summary of Discussion	6
III.	Findings for Approval.....	8
IV.	Project Review	8
A	Zoning History	8
B.	Context.....	8
C.	Summary of Outstanding Issues	13
D.	Overall Analysis	13
E.	Zoning Modification Review	20
F.	<u>Revised 1993 Zoning Ordinance</u> Criteria for Approval	21
V.	Attachments	24

I. APPLICATION INFORMATION

APPLICANT/OWNER: Bayshire, LC
Richard D. Entsminger, Manager
1355 Beverly Road, Suite 240
McLean, VA 22101
703-734-9730

REPRESENTATIVE: Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Christine E. Gleckner, AICP
One East Market Street
Leesburg, VA 20176
571-209-5776
cgleckner@ldn.thelandlawyers.com

PROPOSAL: A **Zoning Concept Plan Amendment** to amend ZMAP 2004-0006, the approved concept plan for R-8 traditional design option to standard R-8. Also, three **Zoning Modifications** to modify: (1.) Sections 3-509(C) and 4-109(C); (2.) Section 3-506(C)(1(a) and (b); and (3.) Section 7-103(A)(1) and 7-108.

LOCATION: 21361 Belmont Ridge Road, Ashburn, VA

TAX MAP/PARCEL: Tax Map— /78/////////9/ MCPI—195-19-3084-000

CURRENT ZONING: PD-H3, Traditional R-8 design option

RESIDENTIAL UNITS: 196 single-family detached

SURROUNDING:	<u>ZONING</u>	<u>EXISTING LAND USE</u>	<u>PLANNED LAND USE</u>
NORTH	TR-10	Undeveloped (approved residential)	Residential
SOUTH	R-1 & R-8	Residential/Reservoir	Residential
EAST	PD-H4	Residential/Vacant	Residential
WEST	PD-RV & TR-10	Conservancy lot/Residential	Transition

ELECTION DISTRICT: Dulles

II. SUMMARY OF DISCUSSION

Topic/Issue Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> Remove lots encroaching on Goose Creek 300' no-build buffer. RESOLVED; see Sheet 3 of CDP Plat set. Justify why proposed standard design option is superior to the approved traditional design option. RESOLVED, environmental impacts less w/ proposed design; see Statement of Justification. Provide sidewalks on both sides of streets and pedestrian connections between streets where appropriate. RESOLVED; see Sheet 4 of CDP Plat set. Provide contribution for unmet housing needs. RESOLVED, see proffer 31.
Design	<ul style="list-style-type: none"> Provide easements for sanitary sewers between lots 191 & 192. RESOLVED, easement provided, see Sheet 3 of CDP Plat set. Water main connection may be needed in future. RESOLVED, connection provided between lots 120 & 121 and 163 & 164, see Sheet 3 of CDP Plat set. Clarify means of access to Belmont Ridge Road through developments to north and south, and relation to number of zoning permits issued. RESOLVED, see Proffer #2 Provide signage for future public passive park on property. RESOLVED, see Proffer #33. Provide access & parking to passive park. RESOLVED, see Sheet 4 of CDP Plat set; natural surface trail provided from Belmont Ridge Road to development sidewalk system along southern property boundary. Relocate stormwater pond out of future park land. RESOLVED, see Sheet 3 of CDP Plat set; pond is entirely in the development's HOA open space land. Confirm archaeology site will not be disturbed. RESOLVED, see Proffer #17. Detail if low-impact development (LID) measures will be utilized. RESOLVED; LID may be used in coordination with stormwater pond, as determined during construction plan and profile review. Determine limits of the Goose Creek reservoir and FSM standards regarding land disturbance. RESOLVED, site is upstream of these limits, and proposed locations of disturbances are allowed.
Environmental	<ul style="list-style-type: none"> Remove Lots in areas of moderately steep slopes. RESOLVED, see Sheet 3 of CDP Plat set. Commit to comprehensive SWM/BMP measures. RESOLVED; see Proffers 20, 22, 25. Include sustainable and energy-efficient design/construction; RESOLVED; see Proffer #32, NAHB bronze level standards, enforceable with occupancy permit. Identify the 300' Reservoir Protection Buffer and 50' River and Stream Corridor Management Buffer. RESOLVED, see Sheets 2, 3, 5, and 6 of CDP Plat Set. Remove lots from encroaching on the 50' management buffer. RESOLVED, see Sheet 3 of CDP Plat set. Depict con-span crossing of very steep slopes near Lots 18 & 19 on CDP. RESOLVED, see Sheets 3 and 7 of CDP Plat set. Revise reforestation plan. RESOLVED, planting configurations changed as requested, see Sheet 8 of CDP Plat set.

II. SUMMARY OF DISCUSSION (continued)	
Topic/Issue Area	Issues Examined and Status
Transportation	<ul style="list-style-type: none"> • Coordinate with VDOT regarding Secondary Street Acceptance Requirements (SSAR) and Chapter 527 requirements. RESOLVED; applicant met with County/VDOT staff: Chapter 527 not required, prior traffic analysis still applies. Connectivity index data shown on Sheet 4 of CDP Plat Set. Phasing of the development is not proposed.
	<ul style="list-style-type: none"> • Identify design features of proposed roadways. RESOLVED, see Sheet 4 of CDP Plat Set.
	<ul style="list-style-type: none"> • Identify parking. RESOLVED, see parking summary note on Sheet 3 of CDP Plat set.
Zoning	<ul style="list-style-type: none"> • Clarify reasons for showing land bays, and required buffers between them. RESOLVED, applicant removed land bays from CDP.
	<ul style="list-style-type: none"> • Modify Section 3-506(C)(1)(b) for minimum side yards. RESOLVED, modification of this section added for Lots 1-13 and 193-196; see Sheet 7 of CDP Plat set.
	<ul style="list-style-type: none"> • Justification to modify Section 3-506(C)(1)(b) for minimum side yards. RESOLVED, removing alleys, buildings wider, conservation design; see page A-153.
Proffer Statement	<ul style="list-style-type: none"> • Correct typographical & clerical errors or omissions, make additions or deletions. RESOLVED, see Attachment 5.

Policy or Ordinance Sections Subject to Application	
<u>Revised General Plan</u>	
Chapter 1	Relationship to Other County Planning Documents / 2 nd Paragraph
Chapter 3	Proffer Policies / Capital Facilities
Chapter 5	Green Infrastructure; River and Stream Corridor Resource Map, Major and Sub-Watershed Maps; River and Stream Corridor Resources and Surface and Groundwater Resources; Scenic Rivers and the Potomac River; Steep Slopes and Moderately Steep Slopes; Surface and Groundwater;
Chapter 6	Suburban Policy Area / General Residential Neighborhood Policies; Design Guidelines / Residential Neighborhoods, Streetscape
Chapter 7	Planned Land Use Map
Chapter 11	Residential Design Guidelines
	Countywide Housing Policies
	Countywide Transportation Plan (CTP)
	Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) / Walkway & Sidewalk Policies
<u>Revised 1993 Zoning Ordinance</u>	
Section 3-506(C)(1) – Lot Requirements – Single Family Detached Dwellings Front and Side Yards	
Section 3-509(C) – Development Standards, Minimum Buffer	
Section 4-109(C) – Site Planning – External Relationships	
Section 5-1414(B) – Buffer Yards	
Section 5-1508 – Steep Slope Standards	
Section 6-1504 – Planned Development Districts / Modifications	
Section 7-103(A)(1) – Single Family Detached and Single Family Attached Units.	
Section 7-108(A)(3), (B), (E) – Affordable Dwelling Units (ADUs)	

III. FINDINGS FOR APPROVAL

1. The conventional R-8 design standards with the proposed modifications for the approved 196 single-family dwelling units at a 1.37 du/acre density is consistent with the Revised General Plan.
2. The proposed application does not alter the consistency of the approved rezoning regarding the land use and density policies of the Revised General Plan.
3. The proposed application, with proposed modifications, complies with the PD-H3 and R-8 district regulations of the Revised 1993 Zoning Ordinance.
4. Developing according to the conventional R-8 standards will lessen the amount of land disturbance necessary to develop the approved density, resulting in increased preservation of the natural environment, and diminishing impacts of development.
5. The application proffers contributions for park signage, reforestation of County park land, and a contribution to fund unmet housing needs in the County.

IV. PROJECT REVIEW

A. Zoning History

The current zoning on the property is the result of two rezoning applications brought forth by this applicant. ZMAP 2002-0007, Belmont Glen-Rouse Property, proposed 196 single-family detached dwellings at a density of 1.37 dwellings per unit, administered under the R-8 (Single Family Residential, traditional design option) zoning district regulations, with five (5) zoning modifications (eight (8) Ordinance sections). Upon resolution of issues, Staff recommended approval of this application. However, on May 28, 2003, the Planning Commission voted 4-1-1-3 (Kirchner—abstained; Kirschenbauer, Miller, Offerman—absent) to forward this application to the Board of Supervisors with a recommendation of denial.

At the September 15th, 2003 Business Meeting, the Board of Supervisors voted 7-2 to deny the application. As a result of the denial, the Applicant sued the Board of Supervisors on December 29, 2003. The subsequent application (ZMAP 2004-0006, Belmont Glen-Rouse Property) was filed and accepted for processing by the County on April 6, 2004 as part of a legal settlement. The Board of Supervisors held a Public Hearing on this application on June 8, 2004, and on June 15, 2004, approved the application by a vote of 6-3.

B. Context

The subject property lies between Goose Creek and Belmont Ridge Road (Route 659), the western edge of the Suburban Policy Area (Ashburn Community). The site lies just below Beaverdam Reservoir and upstream from Goose Creek Reservoir, the latter being a major source of drinking water for much of Loudoun County. There are significant amounts of floodplain and steep slope areas on the site, the majority of which are included within an

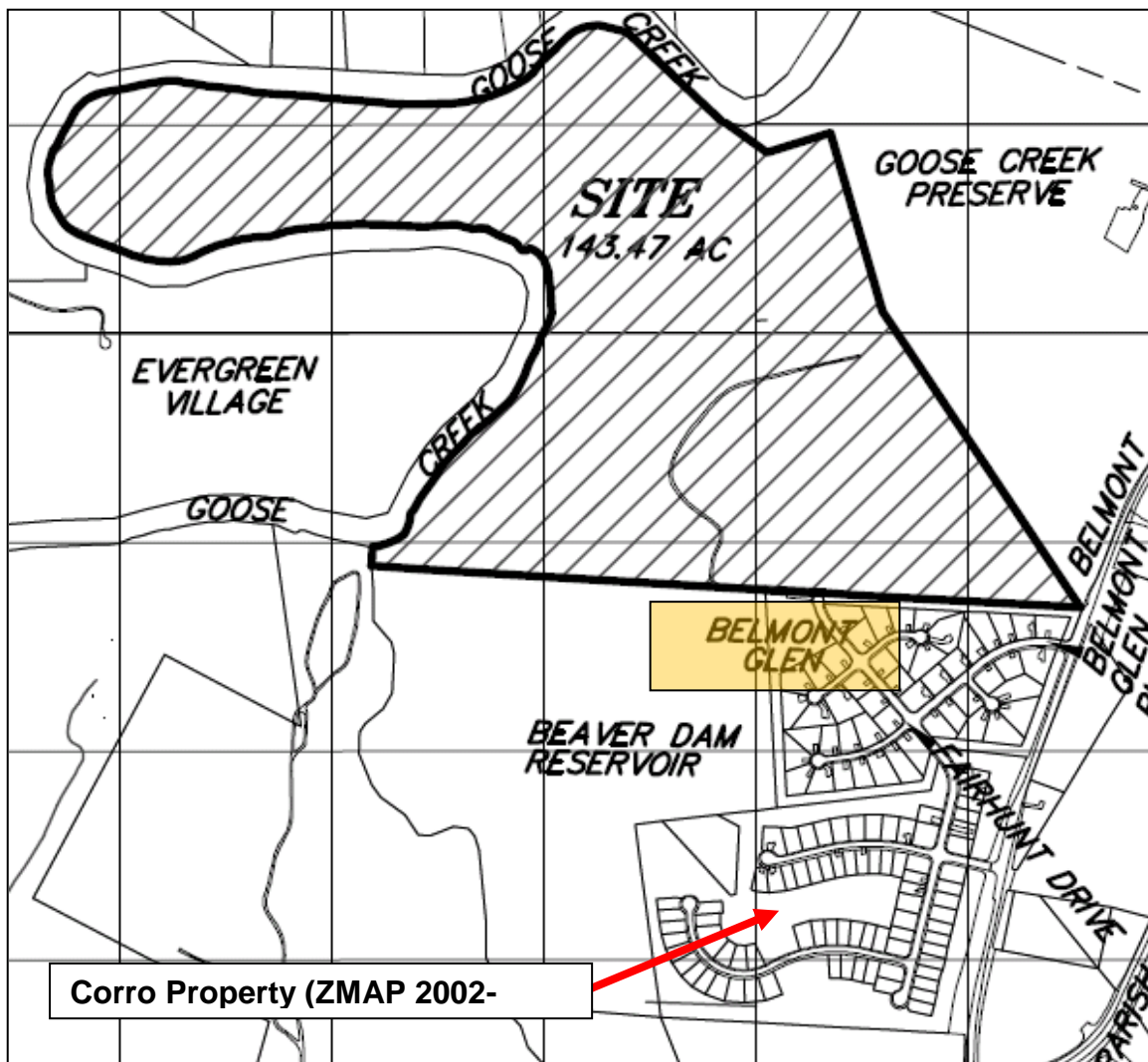
approximately 61-acre proposed dedication to the County for a passive public park along Goose Creek. Scattered wetlands also are present on the property. The site is a mix of open fields and wooded areas, with the majority of the approved development to occur on the open portions of the site. Soils on the property are generally suitable for development purposes; however, some areas of hydric soils do exist in the south central portion of the site and would be impacted by the approved development. Areas of steep and moderately steep slopes within the portion of the site not to be dedicated to the County have been avoided and are proposed to remain as common open space.

As noted in the Statement of Justification, upon further engineering of the site, including approval of a preliminary subdivision and construction plan, it became clear to the Applicant that implementing the traditional R-8 design would require extensive 'over-engineering' of the property. With the natural topographic features of the site, development of the approved layout would have resulted in extensive land disturbance and environmental impacts that could be avoided with an alternative development plan.

With this application, the Applicant proposes to amend the Concept Development Plan to provide an alternative lay-out for the approved 196 lots using the standard (i.e. conventional) R-8 building and lot requirements (Section 3-506), that would retain more of the existing environmental features and permanent open space (67%). Both the approved and proposed concept plan incorporates only one housing type (single-family detached - SFD), which is inconsistent with traditional neighborhood design policy, and the alleys and rear accessed garages (for 66 units) and the general look and feel of traditional neighborhood design are removed with this application. The look and function would be like that of most planned development (PD) districts in the County.

Regarding other development activity in the surrounding area, Belmont Glen (ZMAP 1997-0002, RZPA 1999-0001) is located immediately to the south of this site and has had all of the approved 49 single-family detached units constructed, at a density of approximately 1.8 dwelling units/acre. The Corro Property development (ZMAP 2002-0012), located immediately south of Belmont Glen, was approved for up to 94 single-family detached units at an approximate density of 2.4 dwelling units/acre; 34 units have been constructed to date, with another 8-10 under construction at this point in time. Goose Creek Preserve (ZMAP 2002-0009), located immediately to the north and east of the site, was approved for a mix of 500 residential unit types (approximately 3.1 dwelling units/acre); it is currently preparing for some portion of development. Connections to both Belmont Glen and Goose Creek Preserve are proposed with this application, as the property has no direct access to Route 659; see Sheet 3 of the CDP Plat set. North of Goose Creek Preserve, and south of Sycolin Road, the approved Goose Creek Village South rezoning (ZMAP 2003-0009) has developed with 92 townhomes at a density of approximately 3.1 units/acre. Sections 18, 19 and 23 of Broadlands are located just across Route 659 from the subject property.

Graphic (#3): Location / Surrounding Developments



Across Goose Creek, in the Lower Sycolin Sub Area of the Transition Policy Area, is one of the conservancy lots approved as part of Evergreen Rural Village (ZMAP 2002-0002); that project was approved by the Board of Supervisors in June 2003 to construct up to 305 dwelling units on approximately 850 acres (1 dwelling unit per 2.7 acres). North of the site across Goose Creek, south of Sycolin Road (Route 643), are a few scattered residences within a mix of open fields and wooded areas.

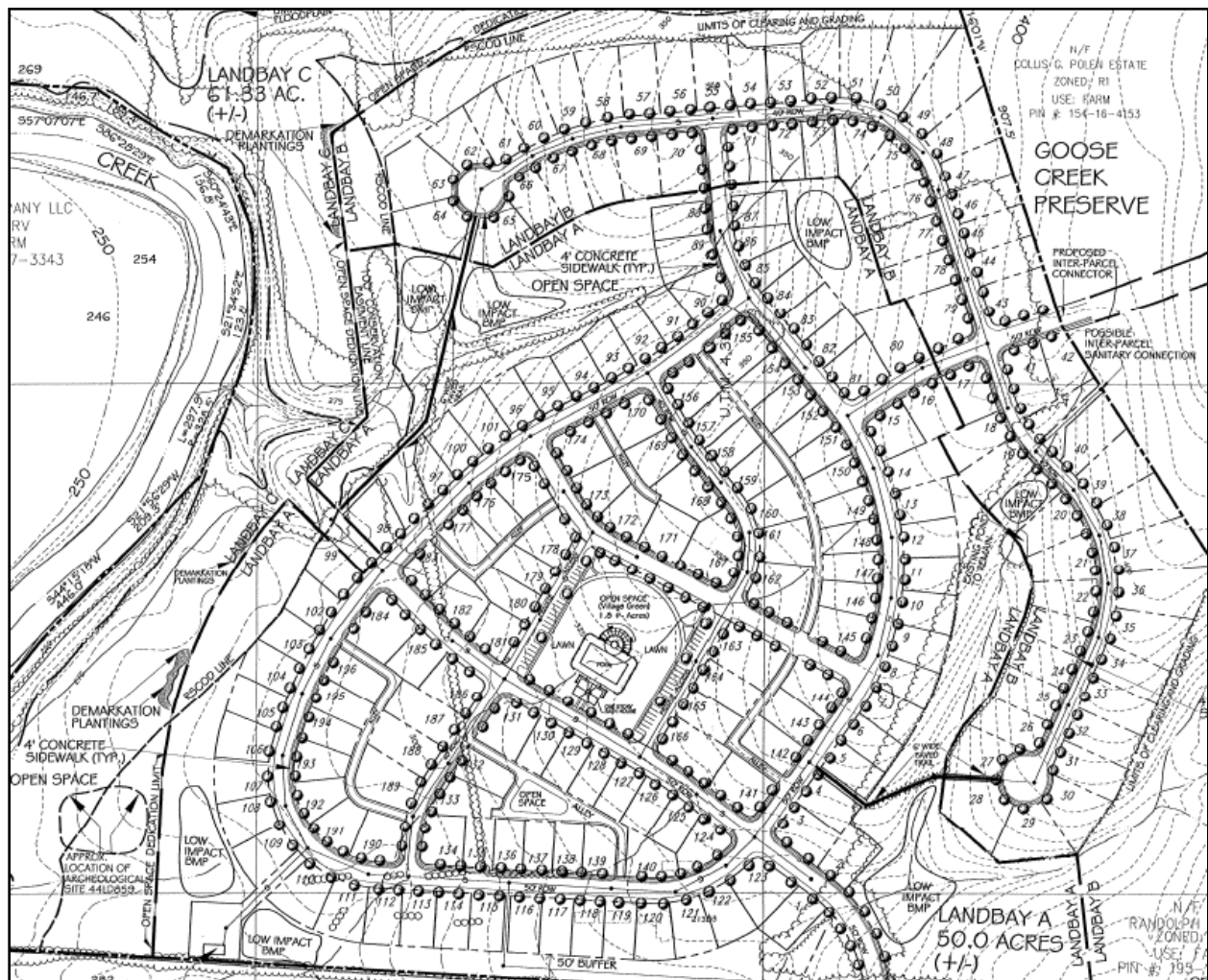
APPROVED vs. PROPOSED DESIGN

The primary focus of the staff review of the application was determining what the differences were between the approved “traditional” design versus the proposed conventional design regulations afforded by the R-8 administrative zoning district, and how to mitigate any impacts that might result from that. Policies that have been created since the time of the rezoning approval were also reviewed against the application.

ZMAP 2004-0006 (Approved June 15, 2004)

As previously noted, there was a lengthy and contentious review process prior to approval of this rezoning application. The by-right development potential of the property was 143 single-family detached (SFD) dwellings under the R-1 zoning; the rezoning realized an additional 53 SFD units. Though the overall density is 1.37 dwelling units (du)/acre, subtracting the donated park land reveals 196 units on the remaining 82 +/- acres – a density of approximately 2.4 du/acre. This is still far below the Plan's Suburban Policy Area limit of 4 du/acre. Sheet 4 of the approved CDP states that the lots, roads, and alleys totaled approximately 52.4 acres – even if just this area were included, the calculated density would be only 3.7 du/acre. The rezoning provided 92.3 acres of total open space (61.3 acres dedicated to the County, and 31 acres of common and village green space).

Graphic (#2) – Approved CDP, ZMAP 2004-0006

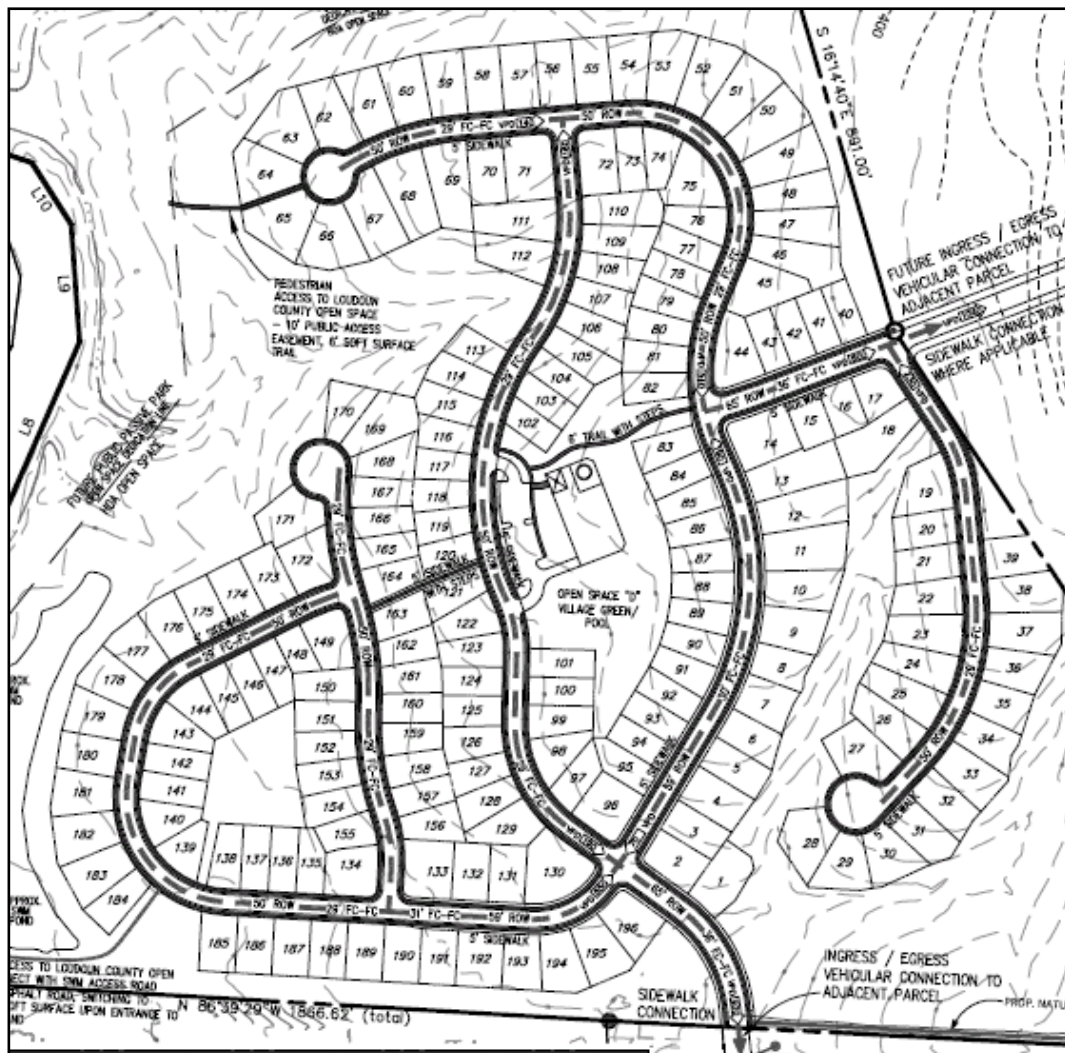


The primary traditional design feature of the approved concept plan, along with an interconnecting street network, was the use of alleys with garage entrances along the alleys, and front-entry units that required the garage to be set back twenty feet from the front of the house. The concept plan also proposed a highly clustered lay-out, maintaining nearly two-thirds of the site as open space. This design was complementary to the Goose Creek Preserve project, which was approved for a mix of unit types (single-family detached, duplex, townhouses, and multi-family) in a neo-traditional setting.

Proposed ZCPA 2009-0007 / ZMOD 2009-0004

Though a different set of design standards in the Ordinance, the proposal has much the same footprint, or envelope, of development as the approved CDP. Despite the same number of units, this application proposes 95.9 acres of total open space (61.3 acres for County park, 34.6 acres of common and village green space) – an increase of 3.6 acres. Additional information requested during the staff review, such as the connectivity index information, has been added to the Plat set.

Graphic (#3) – Proposed CDP, ZCPA 2009-0007 / ZMOD 2009-0004



The primary justification for the application is that the standard design option is more consistent with, and less intrusive on, the existing topography, which would result in less overall earthwork and modification of the site's natural landscape. Less impervious surface would be built with the removal of alley-ways and some street segments, and pervious surfaces increase by over 5 acres, with much of it captured in common open spaces. Some lot sizes have been reduced, and the layout/location of many lots were moved in order to avoid environmental features or Plan Policy boundaries. Also as a result of these changes, fewer and smaller retaining walls will need to be built on the western side of the site where the topography slopes off toward the Goose Creek.

This application carries forth the proffer package included with the original rezoning, except for changes associated with the proposed design, and with several new benefits added to it which have been noted elsewhere. The requested modifications have also changed slightly, both due to the design option and to the physical placement of lots that either eliminated or created the modification situation.

C. Summary of Outstanding Issues

There are no outstanding issues with the application. The draft Proffer Statement, currently dated March 12, 2010, has gone through several revisions, and was reviewed by Building and Development-Zoning Administration and Office of the County Attorney staff, and all recommended changes were made by the applicant. A final review by the County Attorney of the signed proffer statement, to determine its approval as to legal form, will take place prior to action by the Board of Supervisors.

D. Analysis

LAND USE

The site is governed under the policies of the Suburban Policy Area of the Revised General Plan. Located in the Ashburn Community, it is designated for Residential Community uses. Residential Neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure. As noted, the property was rezoned to achieve 53 additional single-family detached dwellings (196 total), with a density of 1.37 units per acre, which is far below the Plan policy maximum of 4.0 dwelling units per acre in Residential Neighborhoods. The development, with the standard design regulations, still meets or exceeds Plan policies for open space, civic space, and amenities. Overall, the application is in compliance with the Land Use Mix policies of the Plan.

EXISTING CONDITIONS

The Plan defines the County's Green Infrastructure as a "collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system". The original rezoning was approved using the conservation design method

of development; however, the applicant has brought forth this application in an effort to develop the site with less impacts to the environmental features of the site, with the proposed revised design.

1. River and Stream Corridor

The Property is located within the Goose Creek watershed and includes river and stream corridor resources, which have Plan policies that reinforce the important role rivers and stream corridors play in protecting Loudoun County's water resources. These policies include the protection of rivers and streams, adjacent steep slopes, wetlands, forests, and historic, cultural and archeological resources within the floodplain, and a 50-foot management buffer adjacent to the floodplain and steep slopes. The proposed dedication to the County of over 61 acres of land that falls within these resources – to be used as a passive park – meets these policies.

This site is bounded by Goose Creek along the western portion of the property. The Goose Creek, which forms the western boundary of this property, is in Loudoun County designated as a "Scenic River" by the Commonwealth of Virginia. It is further protected by Plan policy which calls for the establishment of a 300-foot no-build buffer wherever it exceeds the 50-foot management buffer. The Plan also recommends the voluntary establishment of a greenbelt along Goose Creek and its reservoir which extends 1,000 feet beyond the 300-foot no-build buffer. If this latter Policy were instituted, it would eliminate over half of the proposed neighborhood layout.

The applicant worked with staff to move residential lots out of conflict with these policy boundaries, resulting in the CDP proposed with this staff report. The same was done at the time of the original rezoning review, as the approved CDP had all of the proposed 196 lots outside of policy boundaries.

2. Steep Slopes

The proposed CDP identified areas of moderately steep slopes and very steep slopes¹ that were not identified at the time of the original rezoning approval. The hazards associated with the disturbance of steep and moderately steep slopes include erosion, building and/or road failure, and downstream flooding. For these reasons, policy prohibits land disturbance on very steep slopes and allows development on moderately steep slopes only with special performance standards - including best management practices, locational clearances for clearing and grading, and approval of natural drainageways. The standard R-8 design proposed by the Applicant will decrease impacts on steep slopes, and through review of this application, the Applicant made several revisions to either reconfigure lots or demonstrate that there is sufficient buildable area without infringing on these features.

3. Wetlands

The County's Predictive Wetlands Model indicates that wetlands exist throughout the site. The County supports the federal goal of no net loss to wetlands and seeks to protect its

¹ Moderately steep slopes refer to areas with a 15%-25% grade. Very steep slopes include areas greater than a 25% grade.

green infrastructure elements and recapture elements where possible. Mitigating wetland and stream impacts close to the impact area will help maintain water quality and flood protection functions, as well as habitat. The Applicant previously received wetland permit WP4-09-0369 (issued July 8, 2009) for the previous development layout, which authorizes the compensation for permanent wetland impacts through the purchase of 0.51 wetland credits from the Cedar Run Wetlands Bank in Prince William County, Virginia. The Applicant intends to use the previous purchased credits to offset any revised wetland mitigation required caused by the new layout, and that they intend to purchase any additional required mitigation from an approved wetland bank located within Loudoun County. However, the recent passing of House Bill 515 by the Virginia General Assembly supersedes the County's prioritized policy² of where to mitigate wetland and stream impacts. As a result, the Applicant removed proposed proffer #34 that would commit them to mitigation within the County.

4. Stormwater Management

The Plan states that major water resource issues for the County include protecting groundwater and surface water (i.e., streams and wetlands) from contamination and pollution as well as preventing the degradation of water quality in watersheds. The Plan promotes the use of low impact development (LID) techniques, which integrate hydrologically functional designs with methods for preventing pollution. LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source and can include permeable paving, vegetative buffer or filter strips, and the collection and use of rooftop run-off for irrigation and green roofs.

The applicant states that the elimination of alleys and the revised street design will result in a 5.2 acre reduction of the impervious surface on the property, an increase in the pervious area on individual lots, and an overall increase in the open space on the property. Much discussion occurred over the increase in size of the stormwater management pond and general removal of LID facilities from the original approval – the pond meets Policy requirements, and the Applicant has stated that they will attempt to institute LID features within the development during further engineering of the site. All comments were addressed and the methods proposed are supported.

5. Sustainable and Energy Efficient Design

The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative impacts. To this end, the applicant has proffered that all units will be certified with the National Association of Homebuilders (NAHB) National Green Building Standards to a minimum of the Bronze level for environmental construction. This will be verified at the time of occupancy permit issuance for each unit, by proof of the "green certificate" for those units.

² 1) On-site, 2) within the watershed within the same Planning Policy Area, 3) within the watershed outside the Planning Policy Area, and 4) within Loudoun County.

SITE DESIGN

The Plan states that Residential Neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure. Desired design characteristics include:

- Compact site layout to reduce trips within the neighborhood, facilitate alternative forms of transportation, preserve the Green Infrastructure, and result in reduced transportation and utilities infrastructure costs;
- Pedestrian-scale streetscape including such features as street trees, sidewalks along all street frontage, and street lighting;
- A predominantly interconnected street pattern with inter-parcel connections;
- A combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1500 feet of all residences, and a formal civic square or other public space located in conjunction with a civic facility, Neighborhood Center, or other use, to create a focal point for the community;
- The location of public and civic uses such as churches and community centers in prominent sites to act as landmarks within the neighborhood; and,
- A variety of lot sizes.

This application is proposing to change the design of the site from a traditional design pattern - which encourages interconnected streets, pedestrian circulation and convenient public and civic uses - to a more suburban design pattern, eliminating the rear alleys and grid street pattern and to use cul-de-sacs which are representative of a more suburban style development pattern. The development envelope of the site is very similar to that of the original rezoning approval, and the approved design of this project was more in keeping with Plan policy than the proposed design.

The applicant has stated that the change in design results in the protection of environmental features, and preserving permanent open space and the environmental integrity of the property. Staff agrees that less land disturbance can result from the proposed layout and design standards. As stated in the Plan *“In some circumstances the use of cul-de-sacs and curvilinear streets will be essential in order to implement conservation design.”* They should be used to the minimum required to address environmental and engineering concerns. On this particular site, they will result in less impervious surface than the approved layout, which included paved alleys and some additional street segments.

To address staff comments, some adjustments to the layout and design were made, including adding sidewalks on both sides of each street and pathways between lots, thus connecting streets and providing more efficient pedestrian circulation.

PEDESTRIAN AND BICYCLE LINKAGE

The County is committed to establishing an integrated trails system for pedestrians and cyclists, and will work to establish connections among pedestrian and bicycle sidewalks, paths, and trails. All development proposals need to include pedestrian and bicycle design and a development program that is consistent with national guidelines, including the AASHTO Guide for the Development of Bicycle Facilities, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the Loudoun County Bicycle and Pedestrian Facility Design Toolkit. Internal circulation improvements were made, and the proffered commitment to extend the 10' wide multi-use trail on the west side of Belmont Ridge Road is maintained. A natural surface trail along the southern boundary, which follows an existing gravel road leading toward the Goose Creek, will be maintained to provide access to the internal sidewalk system, which will then carry pedestrians to an access point for the dedicated passive park adjacent the Creek.

UNMET HOUSING NEEDS

On September 18, 2007, the Board of Supervisors adopted revised housing policies that recognize that unmet housing needs occur across a broad segment of the County's income spectrum and promote housing options for all people who live and/or work in Loudoun County. Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$99,000 for 2008). Developers of residential and mixed-use projects are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals.

The County encourages each development proposal that includes a residential component to address unmet housing needs recognizing that the largest segment of unmet needs is housing for incomes below 30%. Plan policies encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents and the homeless) as well as the application of universal design principles. Proffer 31 provides a one-time cash contribution of \$500 per residential unit, with the issuance of each zoning permit, to address this Policy. If fully built-out, this will provide a \$98,000 contribution for this County need that was not achieved with the original rezoning.

CAPITAL FACILITIES

All residential rezoning requests are evaluated in accordance with the Capital Facility policies of the Plan, which calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density. When rezoned, the 53 units above the base density had a proffered contribution of \$21,423 per unit, or \$1,135,428 total; when spread across the entire 196 units, that equated to \$5,793 per unit. Including other cash contributions, and minus certain credits, the overall fiscal contribution expected from this approval was approximately \$2.3 million. Because there is no change in the residential acreage, unit number, unit type, or density, the approved and proffered capital facilities contributions remain intact.

ZONING

As previously described, this Property has an approved rezoning to the PD-H3 zoning district (administered as R-8 with the traditional design option) subject to the Revised 1993 Zoning Ordinance for up to 196 single-family detached dwelling units. The by-right development potential of the property was 143 single-family detached dwellings under the R-1 zoning; the rezoning realized an additional 53 units. All proposed zoning modifications were adequately justified and proven to meet their criteria. Through review of this proposed application, all comments and suggestions from Zoning Administration staff were instituted by the applicant, and there are no outstanding zoning issues with the proposed application.

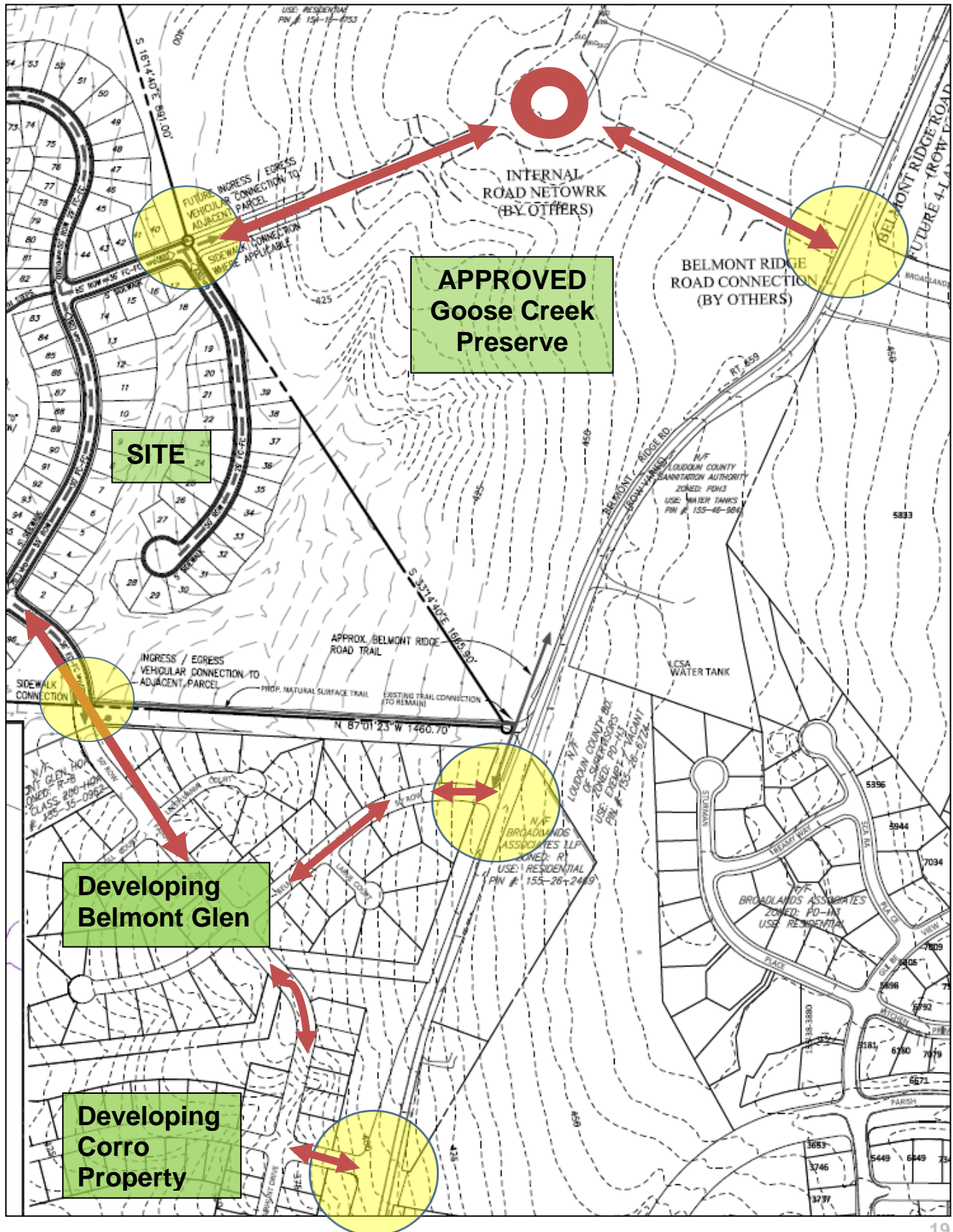
TRANSPORTATION

The application proposes no changes to the number of units approved for the Property, and thus, the number of trips generated by this development have not changed. Based on standard ITE trip generation rates, the approved 196 single-family detached dwellings would generate approximately 1,932 average daily trips (ADT) which includes 147 AM peak hour trips and 196 PM peak hour trips.

In this vicinity, Belmont Ridge Road (Route 659) is classified as a major collector, but is only currently constructed as a two-lane, rural section (R2). The Revised CTP calls for this segment of Route 659 to be widened to a four-lane divided (U4M) section as an interim condition (and ultimately a six-lane divided (U6M) section) and reclassified as a minor arterial. As part of the proffers associated with the initial phase of development of Goose Creek Preserve (ZMAP 2002-0009) to the north, the segment of Route 659 from just south of the Greenway to just south of the future Broadlands Boulevard/Polen Farm Boulevard intersection has been widened to a four-lane median divided section, with traffic signal installation at the above intersection. Future widening to a U4M section to the south along Route 659 is anticipated as development occurs in the area and proffered funds are contributed; the Applicant has already fulfilled its proffer obligation for this widening under ZMAP 2004-0006 by contributing \$750,000.00 towards this future construction to the County.

The Department of Fire, Rescue, and Emergency Management commented on the application, and inquired about the number of units that would be developed prior to access being provided to the Goose Creek Preserve (aka Estates) development to the north, which will be the primary means of entrance for Belmont Glen Village at build-out. The applicant now plans to have an additional access point to the south through the Corro property (plus the original first access point through Belmont Glen via Fairhunt Drive and Belmont Glen Place) during the early phases of development. Pursuant to Proffer #2 of this application, the Applicant has increased the limit to 60 (dwelling unit) zoning permits prior to having access to the north. Ultimately, these four rezoned properties will share three entrances onto Belmont Ridge Road (Route 659). See Graphic #4 below which highlights these access points.

Graphic (#4) – Vehicular Access



During review of this application, it was determined that the Chapter 527 traffic impact analysis regulations did not need to be analyzed for this application because there are no changes to the traffic as a result of the proposed revisions to the site layout and the traffic analysis submitted for the approved rezoning remains valid. The VDOT Secondary Street Acceptance Requirements (SSAR) were applicable; the Applicant provided the 'connectivity index' for residential developments and appropriate typical sections on Sheet 4 of the CDP Plat set, which addressed the VDOT comments regarding them.

The 2003 Bike & Ped Plan categorizes this segment of Route 659 as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned. A 10-foot multi-purpose trail will be provided along the west side of Route 659 from Polen Farm Boulevard to the southern Goose Creek Preserve property line. It will extend south across the short segment of the subject property's frontage on Route 659 in conjunction with future development by the Applicant, and connect with the existing multi-purpose trail across the frontage of the existing Belmont Glen development to the south. Proffer #16 details all the proposed trail and sidewalk connections with the application.

All previous transportation proffer obligations associated with ZMAP 2004-0006 were carried forward in the proposed proffer statement, as requested. All comments from transportation staff were adequately addressed by the applicant. For the reasons noted above, and throughout this report, there are no outstanding transportation issues.

PROFFER STATEMENT

A Proffer Statement revised dated March 12, 2010 has been reviewed several times by staff; there are no remaining issues or comments outstanding. When forwarded to the Board of Supervisors by the Planning Commission, this proffer statement will then be reviewed by the County Attorney for content and legal form prior to the Board's public hearing on the application.

E. ZONING ORDINANCE MODIFICATION REVIEW

In accordance with Section 6-1504, Modifications, of the Revised 1993 Zoning Ordinance: "No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation."

In summary, the modifications seek to:

ZO §3-509(C) Minimum Buffer ZO §4-109(C) Site Planning-External Relationships	To reduce or eliminate the required fifty (50) foot permanent common open space buffer on ten variably-sized lots.
ZO §3-506(C)(1)(a) and (b) Front & Side Yard Lot Requirements	To reduce the required 25' minimum front yard and 8' minimum side yards to varying degrees on all lots.
ZO §7-103(A)(1) Affordable Dwelling Units – Detached and Attached Units ZO §7-108-Modifications	To permit the cash in lieu buyout of required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3).

After several reviews and further justification from the Applicant, Staff agrees that the first two modifications will result in less environmental impact during construction and does not increase or allow for additional units to be built above that which is approved. The third modification is consistent with Policy and the prior approval for the Property regarding the ADU buy-out, and the density bonus was not exercised by the Applicant. Overall, the modifications are supported by Staff as the requests are reasonable, the justifications sufficient, and the criteria above adequately met.

The modifications are listed on Sheet 7 of the CDP Plat set, which is proffered for substantial conformance in Proffer 1 (see Attachment 5). The modifications in their entirety are included with this staff report as Attachment 4, beginning on page A-151.

F. ZONING ORDINANCE CRITERIA FOR ZCPA APPROVAL

Section 6-1211(E) of the Loudoun County Zoning Ordinance states " ... if the application is for reclassification of property to a different zoning district classification on the Zoning Map... the Planning Commission shall give reasonable consideration to the following matters ... ":

Standard *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The Application does not propose a change in zoning, but rather, a change from the approved traditional design option to the proposed conventional R-8 development standards. The proposed ZCPA application (the "*Application*") will not change the Property's existing PD-H3 zoning district classification, which is consistent with the RGP.

Standard *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis As approved with ZMAP 2004-0006, residential development at densities up to 4.0 du/acre is consistent with the properties surrounding this site.

Standard *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

Analysis As approved with ZMAP 2004-0006, the development is entirely residential, consisting of single-family detached dwelling units, which is consistent with the properties to both the north, south, and east.

Standard *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Analysis As approved with ZMAP 2004-0006, there are adequate utilities and capital facilities to serve the development, and a capital facilities contribution will be made for all dwelling units above the base density allowed.

<u>Standard</u>	<i>The effect of the proposed rezoning on the County's ground water supply.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will meet all County standards regarding protection of the ground water supply.
<u>Standard</u>	<i>The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will meet all County standards regarding protection of the soils structural capacity.
<u>Standard</u>	<i>The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.</i>
<u>Analysis</u>	The proposed Application will not change the approved densities for the Property or alter the proffered transportation commitments. No new traffic will result from this application, and construction traffic will utilize the existing collector road network and will not impact neighborhood streets.
<u>Standard</u>	<i>Whether a reasonably viable economic use of the subject property exists under the current zoning.</i>
<u>Analysis</u>	The proposed Application does not increase or reduce the economic use of the property from that already approved.
<u>Standard</u>	<i>The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.</i>
<u>Analysis</u>	The proposed Application does not negatively affect these environmental features to any greater extent than that already approved.
<u>Standard</u>	<i>Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will help meet the housing demand resulting from an expanding employment base both within and near the County.
<u>Standard</u>	<i>Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will help meet the housing demand resulting from an expanding employment base both within and near the County.

<u>Standard</u>	<i>Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will help meet the housing demand resulting from an expanding employment base both within and near the County.
<u>Standard</u>	<i>Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will help meet the housing demand resulting from an expanding employment base both within and near the County.
<u>Standard</u>	<i>Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will help meet the housing demand resulting from an expanding employment base both within and near the County.
<u>Standard</u>	<i>The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.</i>
<u>Analysis</u>	As approved with ZMAP 2004-0006, the development will provide a single-family detached housing option at market rate prices, with no County designated affordable dwelling units.
<u>Standard</u>	<i>The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.</i>
<u>Analysis</u>	The proposed Application does not negatively affect these features to any greater extent than that already approved.

V. ATTACHMENTS		
1. Review Agency Comments		PAGE #
a. Building & Development, Zoning Administration	(02/23/10, 12/02/09, 09/25/09)	A-001
b. Building & Development, Environmental Review Team	(02/17/10, 12/08/09, 09/23/09)	A-014
c. Planning Department, Community Planning	(02/02/10, 11/23/09, 10/05/09)	A-024
d. Office of Transportation Services (OTS)	(02/09/10, 11/19/09, 10/07/09)	A-036
e. Parks, Recreation, and Community Services (PRCS)	(02/16/10, 11/24/09, 09/22/09)	A-051
f. Virginia Department of Transportation (VDOT)	(02/25/10, 11/16/09, 10/22/09, 09/30/09)	A-059
g. Building & Development-Plans Review	(02/09/10, 11/19/09, 09/21/09)	A-063
h. Loudoun Water	(12/03/09, 09/29/09)	A-067
i. Goose Creek Scenic River Advisory Board	(11/16/09, 09/11/09)	A-069
j. Fire, Rescue & Emergency Services	(12/03/09, 09/24/09)	A-071
k. Health Services	(08/28/09)	A-073
l. General Services	(09/21/09)	A-074
m. Proffer Statement Review – Building & Development, Zoning Division	(02/24/10, 03/17/10)	A-075
2. Statement of Justification	(dated June 12, 2009 revised through November 6, 2009)	A-081
3. Applicant's Response to Referral Comments	(03/12/10, 01/29/10, 11/06/09)	A-091
4. Zoning Modifications	(dated November 6, 2009 revised March 12, 2010)	A-151
5. Draft Proffer Statement	(revised dated March 12, 2010)	A-157
6. Disclosure of Real Parties in Interest	(signed 03/24/10)	A-177
7. Reaffirmation of Disclosure of Real Parties in Interest	(signed 03/24/10)	A-187
ZCPA Plat set	(Dated June 12, 2009, revised through March 12, 2010)	Attached